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Port Authority (Fees) Regulations 2011

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SCHEDULE – PORT FEES

Port Authority (Fees) Regulations 2011

makes the following regulations under section 63 of the *Port Authority Act 2006*

1 Short title

These Regulations may be cited as the *Port Authority (Fees) Regulations 2011*.

2 Commencement

These Regulations commence 30 days after the day they are published in the Gazette.

3 Definitions

In these Regulations:

'agency' means the provision of the services of a ship's agent;

'berthage' means the period of time during which a vessel is secured to a mooring at a port;

'bus' means a motor vehicle equipped to seat more than 12 adults;

'car' means a motor vehicle with a GVM of less than 4.5 tonnes;

'cargo' means goods carried on a vessel, other than ship's stores and the personal effects of the crew;

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'day' means a period of 24 consecutive hours;

'FCL' means full container load;

'GRT', of a vessel, means the gross registered tonnage of the vessel;

'GVM', of a motor vehicle, means the gross vehicle mass of the vehicle;

'large vehicle' means a motor vehicle with a GVM of at least 4.5 tonnes and less than 7 tonnes;

'LCL' means less than a full container load;

'measurement authority' means a person recognised by the Authority that is equipped for, and that performs, measurement of the weight of vessels;

'moorage' means the tying of a vessel to one or more moorings at a port;

'mooring' means a bouy or any other thing or location at a port to which a vessel may be secured;

'phosphate vessel' means a vessel that arrives at a port for the purpose of receiving phosphate;

'pilotage' means the control of a vessel by a pilot for the purpose of navigating a vessel within a pilotage area of a port;

'port fees' means fees payable under these Regulations;

'private agent', in relation to a phosphate vessel, includes RONPHOS;

'storage', of cargo, means storage at a port or in a warehouse;

'tonnage measurement certificate' means a certificate issued by a measurement authority that sets out the GRT of a vessel;

'Treasury' means the office responsible for the receipt of revenue of the Republic;

'wharfage' means the loading or unloading of cargo onto or from a vessel at a port.

4 Fees payable in relation to vessels

- (1) In relation to a vessel specified in the Schedule, Part 1, column 1, the fee payable for a matter specified opposite in column 2 is the fee specified opposite the matter in column 3.

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- (2) However, the fee for agency is not payable if a private agent is arranged in advance of the arrival of the vessel in port.

Notes for regulation 4

Section 35 of the Act enables the Harbour Master, with the approval of the Minister, to grant an exemption from or to reduce fees.

Under section 38 of the Act, fees do not apply to naval vessels of any country.

5 Person responsible for payment of fees in relation to vessels

- (1) Before a vessel arrives at a port, the operator of the vessel must notify the Harbour Master of the person responsible for paying port fees for the vessel.
- (2) The notice must include:
- (a) the name of the person responsible; and
 - (b) the person's designation or position; and
 - (c) the person's full contact details; and
 - (d) the name and details of the company or other person the person represents.
- (3) The Master of the vessel is taken to be the person responsible if:
- (a) the operator does not notify the Harbour Master of the person responsible before the vessel arrives; or
 - (b) the notice provided by the operator does not contain all of the information required under subregulation (2).

Note for regulation 5

Under section 27(1) of the Act, fees are payable by owners, operators, charters or agents of a vessel in respect of any vessel using the port or its services.

6 Fees payable in relation to cargo

- (1) The fee payable in relation to cargo for a matter specified in the Schedule, Part 2, column 1, is the fee specified opposite the matter in column 2.

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However, the fee for storage of cargo is not payable for the first 7 days after the departure of the vessel on which the cargo arrived.

Note for regulation 6

Under section 27(2) of the Act, a person entitled to possession of goods, either as owner or agent for the owner of the goods, is liable to pay cargo handling fees for the goods.

7 Fees payable for services

The fee payable for a service provided by the Authority specified in the Schedule, Part 3, column 1, is the fee specified opposite the service in column 2.

8 Documentation to be provided by Master

- (1) When requested by the Authority, the Master of a vessel that enters a port must provide:
 - (a) complete documentation for the vessel, including the ship's particulars or tonnage measurement certificates; and
 - (b) complete documentation for any cargo carried by the vessel into the port, including bills of lading.
- (2) When requested by the Authority, the Master of a vessel that is proposing to exit a port must provide complete documentation for any cargo that will be carried by the vessel out of the port, including bills of lading.
- (3) A person who fails to comply with subregulation (1) or (2) commits an offence.

Penalty: \$500 and 6 months imprisonment.

Note for regulation 8

Under sections 52 and 53 of the Act, it is an offence to provide false information about vessel characteristics or to provide false information in any document required under the Act.

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9 Invoice for fee

When a port fee is imposed, the Authority must issue an invoice for the port fee to the person notified under regulation 5(1) as the person responsible for paying the fee (or, if regulation 5(3) applies, to the person taken to be the person responsible).

10 Date for payment of fee

Port fees must be paid in full:

- (a) for a fee imposed in relation to a vessel in a port – before the vessel departs the port; or
- (b) for a fee imposed in relation to cargo – before the release of the cargo; or
- (c) for any other fee – within 7 days after the invoice is received by the person responsible for paying the fee.

Notes for regulation 10

Under section 30 of the Act, a receipt must be given to a person who pays fees.

Under section 31 of the Act, failure to pay fees for a vessel or to provide a receipt or proof of payment when requested may result in the vessel being detained until the fees are paid.

Under sections 32 and 33 of the Act, failure to pay fees in respect of goods or to provide a receipt or proof of payment when requested may result in the goods being seized until the fees are paid, and the Authority may dispose of or sell goods that have been placed in or on premises of the Authority if the goods are not removed within 60 days from the time when they were so placed.

Under section 36 of the Act, it is an offence to evade or to attempt to evade port fees.

Under section 37 of the Act, the Authority may charge interest at a rate of 10% per annum on any fees not paid within 30 days after the invoice for the fees is sent.

11 Payment Procedures

Port fees must be paid to Treasury.

Note for regulation 11

It is an offence under section 57 of the Act to make any payment or provide any pecuniary benefit directly to the Harbour Master or any employee of the Authority.

SCHEDULE – PORT FEES

Regulation 4

Part 1 – Fees payable in relation to vessels

Column 1	Column 2	Column 3
Phosphate vessel	Agency	\$2500.00 per vessel visit
	Port entry	\$0.80 per GRT per vessel visit
	Pilotage	\$0.30 per GRT per vessel visit
	Moorage	\$0.25 per GRT per vessel visit
	Berthage	\$0.12 per GRT per day or part day
Vessel other than phosphate vessel	Agency	\$2500.00 per vessel visit
	Port entry	\$0.60 per GRT per vessel visit
	Pilotage	\$0.25 per GRT per vessel visit
	Moorage	\$0.20 per GRT per vessel visit
	Berthage	\$0.10 per GRT per day or part day
	Wharfage:	
	<i>20ft container</i>	\$150.00 per container
	<i>Break bulk cargo</i>	\$5.00 per m ³ or metric tonne
	<i>Heavy machinery</i>	\$10.00 per m ³ or metric tonne
	<i>Boats & trailers</i>	\$5.00 per m ³ or metric tonne
	<i>Buses & trucks (over 7 tonnes GVM)</i>	\$90.00 per unit
	<i>Buses & trucks (under 7 tonnes GVM)</i>	\$70.00 per unit
	<i>Large vehicles (over 4.5 tonnes GVM)</i>	\$60.00 per unit
<i>Cars (under 4.5 tonnes GVM)</i>	\$50.00 per unit	

Notes for the Schedule, Part 1

1 Fees are also payable in relation to vessels for quarantine clearance under the Plant and Animal Quarantine Regulations 2004.

2 The fee for agency is not payable if a private agent is prearranged; for phosphate vessels, RONPHOS is a private agent

Part 2 – Fees payable in relation to cargo

Column 1	Column 2
Handling:	
20ft container/ FCL	\$150.00 per container
Break bulk cargo/ LCL	\$5.00 per m ³ or metric tonne
Storage:	
20ft dry container/ FCL	\$10.00 per day or part day
20ft refrigerated container/FCL	\$20.00 per day or part day
Break bulk cargo/ LCL	\$1.00 per m ³ or metric tonne per day or part day

Notes for the Schedule, Part 2

1 Fees may also payable in relation to cargo for quarantine treatment or inspection under the Plant and Animal Quarantine Regulations 2004.

2 Storage is free for the first 7 days after the departure of the vessel on which the stored goods arrived; storage fees are charged after the 7th day.

Part 3 – Fees payable for services

Column 1	Column 2
Hire of heavy lift crane	\$340.00 per hour
Hire of medium lift crane	\$150.00 per hour
Hire of heavy forklift	\$340.00 per hour
Hire of light forklift	\$35.00 per hour
Hire of overhead gantry	\$40.00 per hour
Hire of water craft & barges	\$40.00 per hour
Hire of air compressor - large	\$60.00 per hour
Hire of air compressor - small	\$40.00 per hour
Hire of welder	\$35.00 per hour
Hire of winch	\$50.00 per hour
Hire of any other equipment	\$40.00 per hour
Filling of air bottles	\$5.00 per bottle
Labour – during business hours	\$4.00 per hour per person
Labour - after business hours	\$8.00 per hour per person
Packing/unpacking of containers	\$150.00 per container
Photocopying	\$2.00 per page
Preparing Bill of Lading	\$3.00 per Bill